

RESOLUTION NO. 2009-159

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING ITS INTENTION TO LEVY STREET MAINTENANCE ASSESSMENTS
ZONE 5-A (LAGUNA RIDGE AREA), ANNEXATION NO. 4**

WHEREAS, the City Council (the "City Council") of the City of Elk Grove (the "City") has determined to undertake proceedings pursuant to the Benefit Assessment Act of 1982, being California Government Code sections 54703 *et seq.* (the "Act"), to levy assessments to finance the costs of maintaining streets and roads and to equitably distribute the costs among benefited landowners in developing areas; and

WHEREAS, the City Council by its Resolution No. 2003-82, adopted April 16, 2003, levied such assessments on property located within the boundaries of an area referred to therein as City of Elk Grove Street Maintenance District No. 1 (the "District"); and

WHEREAS, City staff have prepared and filed with the City Clerk a Supplemental Engineer's Report (Supplement No. 4), which supplements the Engineer's Report for Zone 5 of the District originally submitted on August 24, 2005, and supplemented by:

1. Supplement No. 1 on October 26, 2005;
2. Supplement No. 2 on August 22, 2007;
3. Supplement No. 3 on October 24, 2007;

(collectively, the "Engineer's Report"); and

WHEREAS, in accordance with the Act, the Engineer's Report as supplemented by Supplement No. 4 proposes the amount of assessments to be levied on certain additional property described therein (referred to herein as the "annexed property"), which would be deemed a part of the District if the assessments are levied; and

WHEREAS, the annexed property is located within a zone of benefit referred to as "Zone 5-A (Laguna Ridge Area)".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

1. **Recitals.** The above recitals are true and correct.
2. **Approval of Supplement No. 4.** The City Council hereby approves Supplement No. 4, which incorporates by reference the Engineer's Report. The Engineer's Report as supplemented by Supplement No. 4 sets forth a full and detailed description of the costs financed by the assessments, the parcels to be assessed, and the proposed assessments upon assessable lots and parcels of the annexed property. Pursuant to Government Code section 54711(a)(2), the City Council hereby determines that the estimated cost of certain of the services to be funded from the assessments is

more than can be conveniently raised from a single annual assessment and intends to order that such costs be collected in installments over periods of up to five years, as proposed in the Engineer's Report. The Engineer's Report and Supplement No. 4 are on file in the City Clerk's office, 8380 Laguna Palms Way, Suite 200, Elk Grove, California, and are available for review by any interested member of the public during normal business hours.

3. Public Hearing. On Wednesday, October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council shall hold a public hearing on the Engineer's Report as supplemented by Supplement No. 4 and the question of the levy of the proposed assessments.

4. Notice of Public Hearing. The City Clerk is directed to give notice of the public hearing by:

- a. publishing a notice in the form attached hereto as Exhibit A once a week for two successive weeks in *The Elk Grove Citizen*. The first publication shall be no later than September 26, 2009, and publication shall be completed by October 1, 2009;
- b. posting a notice in the form attached hereto as Exhibit A in at least three public places within the City; and
- c. mailing a notice and ballot in substantially the form attached hereto as Exhibit B to the record owners of each identified parcel within the annexed property. Mailing shall be completed by August 27, 2009.

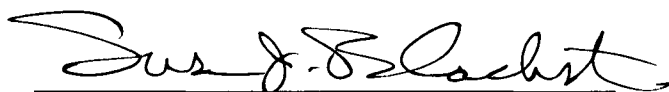
5. Effective Date. This resolution shall take effect from and after the date of its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of August 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Exhibit A

[Form of Published and Posted Notice]

CITY OF ELK GROVE

**NOTICE OF HEARING ON
ENGINEER'S REPORT AND SUPPLEMENT NO. 4
CONCERNING STREET MAINTENANCE ASSESSMENTS**

Notice is hereby given that on Wednesday, October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council of the City of Elk Grove shall hold a public hearing on the engineer's report and a supplement thereto prepared and filed in connection with proposed street maintenance assessments on property identified in the report as supplemented. The City has mailed a notice to each affected property owner specifying the amount of the proposed assessment on the owner's property. At the public hearing, the City Council shall hear and consider all protests.

Dated: _____

Susan J. Blackston, City Clerk, City of Elk Grove

Exhibit B

[Form of mailed Notice]

Notice of Public Hearing

TO: Taylor/Village Sacramento Investments Partners, L.P.
Assessor's Parcel Nos. 132-2170-002; 132-2170-003; 132-2170-004; 132-2170-005; and 132-2170-006

FROM: City Clerk
City of Elk Grove

DATE: August 27, 2009

SUBJECT: Street Maintenance Assessments (additions to City of Elk Grove Street Maintenance District No. 1, Zone 5-A (Laguna Ridge Area)) Ballot Proceeding

The purpose of this notice is to provide you with information about the assessment ballot proceeding being conducted by the City of Elk Grove and its effect on real property that you own. Please be advised of the following:

- A hearing will be held on October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.
- The reason for the assessment is to fund the maintenance and operation of streets serving property proposed to be added to the City of Elk Grove Street Maintenance District No. 1 (the "District").
- The proposed annual assessment is \$100.81 per Equivalent Dwelling Unit ("EDU") for each parcel with respect to which an application for a building permit has been filed. Such assessment may be increased each year after fiscal year 2009-10 based upon the increase in the Engineering News Record Construction Cost for the San Francisco Bay Area over the prior year. Your property is expected to have 82.99 EDUs at buildout, which would result in a total assessment of \$8,366.22 (plus inflation adjustments) at that time.
- The total amount chargeable to all the property proposed for assessment in this proceeding at buildout would be \$8,366.22 (plus inflation adjustments).
- Assessment duration: in perpetuity.
- How the assessment was calculated: The assessment is apportioned on all assessable lots or parcels proposed for assessment in proportion to the estimated benefits to be received by each lot or parcel. Benefit to any parcel is in proportion to its number of EDUs when developed. The total estimated costs for

operation and maintenance of streets that serve the property is allocable among all parcels in proportion to each parcel's expected EDUs. For additional detail, see the Engineer's Report and relevant supplements.

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the assessment ballot to express your view on the proposed assessment.

1. Ballots may be mailed or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing described above. At any time prior to the conclusion of the public hearing, you may withdraw your ballot and submit a changed or new ballot in place of the ballot previously submitted.

2. At the conclusion of the public hearing, the City Clerk will tabulate the ballots received, including those received during the public hearing.

3. The City will not impose the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proportional financial obligation of the affected property.

Official Ballot
City of Elk Grove Street Maintenance District No. 1, Zone 5-A

Assessor's Parcel Number(s): 132-2170-002; 132-2170-003; 132-2170-004;
132-2170-005; and 132-2170-006

Name(s) of Property Owner(s): Taylor/Village Sacramento Investments
Partners, L.P.

Property Owner's Address: 121 Spear Street, Suite 250,
San Francisco, CA 94105

Proposed Annual Assessable Amount \$8,366.22
(2009-10 base year) (assessable
after building permit applied for)

Proposed Inflation Adjustment Formula: Assessable amount may be increased each
year following the 2009-10 fiscal year based on
the percentage change in the Engineering
News Record Construction Cost Index for the
San Francisco Bay Area.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment and the proposed inflation adjustment, place a check mark in the space before the word "YES" or "NO," then sign and date the ballot.
- After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8380 Laguna Palms Way, Suite 200, Elk Grove, California, 95758.
- Ballots may be sent or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing on the proposed assessment and inflation adjustment limit set for October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

___ **Yes**, I/we approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

___ **No**, I/we do not approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel listed above.

Signature of Record Owner

Date

TO: Wal-Mart Real Estate Trust
Assessor's Parcel No. 132-2170-001

FROM: City Clerk
City of Elk Grove

DATE: August 27, 2009

SUBJECT: Street Maintenance Assessments (additions to City of Elk Grove Street
Maintenance District No. 1, Zone 5-A (Laguna Ridge Area)) Ballot
Proceeding

The purpose of this notice is to provide you with information about the assessment ballot proceeding being conducted by the City of Elk Grove and its effect on real property that you own. Please be advised of the following:

- A hearing will be held on October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.
- The reason for the assessment is to fund the maintenance and operation of streets serving property proposed to be added to the City of Elk Grove Street Maintenance District No. 1 (the "District").
- The proposed annual assessment is \$100.81 per Equivalent Dwelling Unit ("EDU") for each parcel with respect to which an application for a building permit has been filed. Such assessment may be increased each year after fiscal year 2009-10 based upon the increase in the Engineering News Record Construction Cost for the San Francisco Bay Area over the prior year. Your property is expected to have 178.62 EDUs at buildout, which would result in a total assessment of \$18,006.68 (plus inflation adjustments) at that time.
- The total amount chargeable to all the property proposed for assessment in this proceeding at buildout would be \$18,006.68 (plus inflation adjustments).
- Assessment duration: in perpetuity.
- How the assessment was calculated: The assessment is apportioned on all assessable lots or parcels proposed for assessment in proportion to the estimated benefits to be received by each lot or parcel. Benefit to any parcel is in proportion to its number of EDUs when developed. The total estimated costs for operation and maintenance of streets that serve the property is allocable among all parcels in proportion to each parcel's expected EDUs. For additional detail, see the Engineer's Report and relevant supplements.

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the assessment ballot to express your view on the proposed assessment.

1. Ballots may be mailed or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing described above. At any time prior to the conclusion of the public hearing, you may withdraw your ballot and submit a changed or new ballot in place of the ballot previously submitted.

2. At the conclusion of the public hearing, the City Clerk will tabulate the ballots received, including those received during the public hearing.

3. The City will not impose the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proportional financial obligation of the affected property.

Official Ballot
City of Elk Grove Street Maintenance District No. 1, Zone 5-A

Assessor's Parcel Number(s): 132-2170-001

Name(s) of Property Owner(s): Wal-Mart Real Estate Business Trust

Property Owner's Address: Sam Walton Development Complex
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Proposed Annual Assessable Amount (2009-10 base year) (assessable after building permit applied for) \$18,006.68

Proposed Inflation Adjustment Formula: Assessable amount may be increased each year following the 2009-10 fiscal year based on the percentage change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment and the proposed inflation adjustment, place a check mark in the space before the word "YES" or "NO," then sign and date the ballot.
- After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8380 Laguna Palms Way, Suite 200, Elk Grove, California, 95758.
- Ballots may be sent or delivered to the City Clerk at any time, but **MUST** be received not later than the conclusion of the public hearing on the proposed assessment and inflation adjustment limit set for October 14, 2009, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

- Yes**, I/we approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.
- No**, I/we do not approve the proposed assessment and the proposed inflation adjustment limit described above for the parcel identified in this ballot.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel listed above.

Signature of Record Owner

Date

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-159**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Susan Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 26, 2009 by the following vote:

AYES : COUNCILMEMBERS: Hume, Scherman, Davis, Detrick

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Cooper



**Susan Blackston, City Clerk
City of Elk Grove, California**